



Entered on Docket  
June 23, 2010

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

THE RHODES COMPANIES, LLC, aka  
"Rhodes Homes," et al.,<sup>1</sup>  
  
Debtors.

Case No.: 09-14814-LBR  
(Jointly Administered)

Chapter 11

Affects:

☐ All Debtors  
☒ Affects the following Debtor(s)  
RHODES RANCH GENERAL  
PARTNERSHIP and RHODES DESIGN  
AND DEVELOPMENT CORPORATION

Hearing Date: June 21, 2010  
Hearing Time: 9:30 a.m.  
Courtroom 1

**ORDER GRANTING MOTION FOR CLARIFICATION OF ORDER FILED BY THE  
BLASCO HOMEOWNERS [DOCKET NO. 1099]**

Upon consideration of the *Motion for Clarification of Order or, In the Alternative,  
Motion for Modification of Automatic Stay in Order to Proceed Against Debtor as Nominal*

<sup>1</sup> The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20 LLC (Case No. 09-14848); Tuscany Acquisitions IV LLC (Case No. 09-14849); Tuscany Acquisitions III LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf and Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, LLC (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

1 *Defendant and As Against Insurance Proceeds Only* [Docket Number 1099] (the “Motion”) filed  
2 by the Original Movants<sup>2</sup> and the To Be Joined Homeowners (collectively, the “Movants”) and  
3 good cause appearing, it is hereby ORDERED

4 1. The Motion is resolved as set forth herein.

5 2. The Movants are each authorized to litigate their claims (the “Claims”) in the  
6 Litigation in District Court pursuant to Article VII.E.2 of the Plan of Reorganization [Docket No.  
7 1053] (the “Plan”) notwithstanding the injunction under the Plan for the limited purpose of  
8 pursuing payment of their Claims from applicable insurance policies.

9 3. There shall be a full reservation of rights for Rhodes Ranch General Partnership and  
10 Rhodes Design And Development Corporation’s insurer with respect to the relevant insurance  
11 policies and to defend the Litigation on the merits.

12 4. Any and all portions of the Movants’ Claims, whether prepetition or postpetition  
13 claims or causes of action, that are not fully satisfied by the available insurance policies of  
14 Rhodes Ranch General Partnership and Rhodes Design And Development Corporation are  
15 forever waived and discharged as against Rhodes Ranch General Partnership and Rhodes Design  
16 And Development Corporation, even if the Movants are unable to obtain any recovery from any  
17 insurance policies.

18 5. Any recovery by the Movants received from the insurance proceeds shall be reduced  
19 by the amount of the applicable insurance policy’s deductible. As provided in Article VII.E.2 of  
20 the Plan, the Reorganized Debtors shall have no obligation to pay any amounts in respect of  
21 deductibles on account of the applicable insurance policy.

22 6. The Bankruptcy Court retains jurisdiction to resolve any dispute arising from the  
23 interpretation or enforcement of this Order.

24  
25  
26  
27  
28  

---

<sup>2</sup> All defined terms not defined herein shall have the same meaning as in the Motion.

1 SUBMITTED BY:

2  
3 DATED this 17th day of June 2010.

DATED this 17th day of June 2010.

4 By: /s/ Eric Ransavage  
SHINNICK, RYAN & RANSAVAGE P.C.  
5 Duane E. Shinnick, (NV Bar No. 7176)  
Eric Ransavage, (NV Bar No. 8876)  
6 2881 Business Park Court, Ste. 210  
Las Vegas, Nevada 89128  
7 Telephone: (702) 631-8014  
Facsimile: (702) 631-8024  
8 *Counsel for Homeowner Plaintiffs*

By: /s/ Zachariah Larson  
LARSON & STEPHENS  
Zachariah Larson, Esq. (NV Bar No 7787)  
Kyle O. Stephens, Esq. (NV Bar No. 7928)  
810 S. Casino Center Blvd., Ste. 104  
Las Vegas, NV 89101  
(702) 382-1170 (Telephone)  
(702) 382-1169 (Facsimile)  
zlarson@lslawnv.com  
*Counsel for Reorganized Debtors*

LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

**LR 9021 Certification**

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☒ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below: Eric Ransavage, Counsel for Movants- approved the order.

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

Submitted by:

DATED this 21<sup>st</sup> day of June 2010.

By: /s/ Zachariah Larson

LARSON & STEPHENS

Zachariah Larson, Esq. (NV Bar No 7787)

Kyle O. Stephens, Esq. (NV Bar No. 7928)

810 S. Casino Center Blvd., Ste. 104

Las Vegas, NV 89101

(702) 382-1170 (Telephone)

(702) 382-1169 (Facsimile)

zlarson@lslawnv.com

COUNSEL FOR REORGANIZED DEBTORS